

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re

Chapter 11

KOLLEL MATEH EFRAIM, LLC,

Case No. 04-16410 (SMB)

Debtor

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KOLLEL MATEH EFRAIM, LLC, a/k/a  
MATEH EPHRAIM LLC

Plaintiff,

Adv.Pro.No. 04-04545 (SMB)

-against-

HELEN-MAY HOLDINGS, LLC, and  
IRENE GRIFFIN,

Defendants.

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**AFFIDAVIT OF SCOTT KRINSKY IN COMPLIANCE WITH COURT'S AUGUST 9,  
2007 MEMORANDUM ENDORSED ORDER REGARDING EXTENSION OF TIME TO  
OPPOSE SUMMARY JUDGMENT MOTION**

STATE OF NEW YORK )  
                         ) ss:  
COUNTY OF NEW YORK )

Scott Krinsky, being duly sworn, deposes and says:

1. I am a member of the firm of Banckenroth, Frankel & Krinsky, LLP, attorneys for the debtor/plaintiff in this adversary proceeding. I have personal knowledge of the facts set forth below; and I submit this affidavit to demonstrate the debtor's compliance with the Court's August 9, 2007 Memorandum Endorsed Order, which required delivery of a bank or certified check in the amount of the August 2007 adequate protection amount to defendants' counsel by August 10, 2007 at 4:00 p.m. in order to obtain a three (3) week adjournment to submit opposition papers to defendants' motion for summary judgment.
2. Sometime during the afternoon of August 9, 2007, I contacted David

Carlebach, counsel to defendants, and advised him that pursuant to the Court's August 9, 2007 Memorandum Endorsed Order, I had in my possession an official bank check ("Bank Check") in the amount of \$13,553.00 for the August 2007 adequate protection and wished to deliver it to him. Mr. Carlebach confirmed to me that \$13,553.00 was the proper amount and that I could deliver the bank check to his office staff, since he would not be in the office. On August 9, 2007 at approximately 4:05 p.m., I arrived at Mr. Carlebach's office and delivered the Bank Check (drawn on JPMorgan Chase Bank, N.A., Check No. 385182210) payable to David Carlebach, as attorney for HMH, in the amount of \$13,553.00, for the adequate protection amount for August 2007. I personally delivered the Bank Check with an accompanying letter (Exhibit A) to Samuel Diamantstein, an attorney employed by Mr. Carlebach. Mr. Diamantstein also signed a receipt acknowledging my delivery of the Bank Check at 4:05 p.m. (Exhibit B).

3. Based on the foregoing, the debtor/plaintiff respectfully states that it has complied with the condition of the Court's August 9, 2007 Memorandum Endorsed Order necessary to obtain a three (3) week adjournment of its time to submit opposition papers to defendants' summary judgment motion from August 10, 2007 to August 31, 2007.

SCOTT KRINSKY  
s/Scott Krinsky

Sworn to before me this  
10<sup>th</sup> day of August, 2007

s/Abraham Backenroth  
Notary Public